THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.19316 OF 2006

DATED: 19-04-2007

Between :

K.V. Chalamaiah … Petitioner

And

1. The Government of Andhra Pradesh, rep. by
   The Secretary, Municipal Administration Department,
   Secretariat, Hyderabad., and 4 others. … Respondents

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WRIT PETITION NO.19316 OF 2006

ORDER :

This writ petition is filed seeking a declaration that the action of the respondents in dispossessing the petitioner from Ac.0-43 cents of land in Sy.Nos.345/A1, 345/1C, 341/1A and 340/1 of Nellore Bit I, Kondayapalem Village, Nellore Town and Mandal, Nellore District for the purpose of formation of a mini bypass road without initiating any proceedings under the provisions of the Land Acquisition Act, 1894 and without paying the compensation therefor is arbitrary and illegal.

According to the petitioner, the respondents took possession of the land to an extent of Ac.0-43 cents of land situated in Sy.Nos.345/A1, 345/1C, 341/1A and 340/1 of Nellore Bit I, Kondayapalem Village, Nellore Town and Mandal, Nellore District for the purpose of formation of mini bypass road. However, it is alleged that the respondents have neither initiated any proceedings under the Land Acquisition Act, 1894 before taking possession of the said land nor any compensation is paid to therefor.

In response to the notice ordered, the Special Tahsildar, Land Acquisition, Nellore filed a counter-affidavit in which the fact that the alignment of mini bypass road through the land of the petitioner in Sy.Nos.345/C1B, 345/C2B, 341/A2A, 345/A1A2 and 341/1A to an extent of Ac.0-41 cents of Kondayapalem Village has not been disputed. However, it is stated that out of the above said Ac.0-41 cents of land, requisition was made only for an extent of Ac.0-05 cents by the Requisitioning Department and accordingly after

conducting due enquiry award was passed fixing compensation of Rs.7,974/- on 2-6-1992. It is alleged that the petitioner has never filed any claim or objection in respect of the land utilised for the purpose of bypass road and even the Requisitioning Department has not submitted requisition for the remaining extent of Ac.0-41 cents belonging to the petitioner. However, pursuant to the representation made by the petitioner on 16-8-2006 the District Collector addressed the Commissioner, Nellore Municipal Corporation as well as the Revenue Divisional Officer, Nellore and Special Tahsildar, Land Acquisition, Nellore for taking necessary action to redress the grievance of the petitioner. It is stated that as soon as the requisition is received from the Commissioner, Nellore Municipal Corporation the land acquisition proceedings would be initiated for payment of the compensation to the petitioner in respect of the land to an extent of Ac.0-41 cents situated in Sy.Nos.345/C1B, 345/C2B, 341/A2A, 345/A1A2 and 341/1A of Kondayapalem Village.

In view of what has been stated in the counter-affidavit of the respondents, which shows that the request of the petitioner for payment of compensation for the land in question is under process, no further enquiry is necessary in this writ petition.

Accordingly, the Writ Petition is disposed of with a direction to the respondents to initiate the proceedings under the Land Acquisition Act, as proposed and pay the compensation to which the petitioner is entitled to as expeditiously as possible preferably within a period of six months from the date of receipt of this order. No costs.

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G. ROHINI, J.

Dt. 19-04-2007

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Note:- CC in one week.